



VINAY K GUPTA

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

-against-

MICHAEL J ASTRUE, Commissioner
SS ADMIN

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

07 Civ. 2805 JCF

REQUEST TO PROCEED
IN FORMA PAUPERIS
ON APPEAL

SSA matter
\$350 paid to Fed Dist Ct
below.

I, MR VINAY K GUPTA (6 Dec 21/32), (print or type your name) am the plaintiff/petitioner in the above entitled case and I hereby request to proceed in forma pauperis on appeal and without being required to prepay fees or costs or give security. I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor, and that I believe I am entitled to redress.

The issues I desire to present on appeal are the following: Preliminary Statements:

1. Commencing Date - 5-8 years missing
 2. Several reductions in benefits
 3. Total cut-off for 1 year after SSA pension commenced
 4. Reductions due to 'Special Formula' - told verbally - never any written explanation with or without reasons.
 5. Reduction due to trivial receipts from Canada - lived & worked in Canada for 24 yrs - even in Canada missing CBO for 10 yrs
1. If you are presently employed: OAS (Old Age Security) - 5 yrs
- a) give the name and address of your employer
 - b) state the amount of your earnings per month

Please see 2 pp
See Enclosure -
Typewritten

2. If you are NOT PRESENTLY EMPLOYED:

- a) state the date of start and termination of your last employment
- b) state your earnings per month

YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED.

3. Have you received, within the past twelve months, any money from any source? If so, name the source and the amount of money you received.

a) Are you receiving any public benefits? ☐ No. ☐ Yes, \$_____.

b) Do you receive any income from any other source? ☐ No. ☐ Yes, \$_____.

4. Do you have any money, including any money in a checking or savings account? If so, how much?

☐ No. ☐ Yes, \$_____.

5. Do you own any apartment, house, or building, stock, bonds, notes, automobiles or other property? If the answer is yes, describe the property and state its approximate value.

☐ No. ☐ Yes, \$_____.

6. Do you pay for rent or for a mortgage? If so, how much each month?

☐ No. ☐ Yes, _____.

7. List the person(s) that you pay money to support and the amount you pay each month.

8. State any special financial circumstances which the Court should consider.

*Please see
2 pp
Enclosure*

I understand that a false statement or answer to any question in this declaration shall subject me to the penalties for perjury.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15th day of May, 2008
date month year

Wray K. Gimple
Signature

Let the applicant proceed on appeal without prepayment of cost or fees or the necessity of giving security therefor.

DATED:

June 10, 2008

New York, New York

James C. Francis IV
United States District Judge

Magistrate

Mr Vinay K Gupta 5413 Imperial Blvd
Wapp. Falls, NY 12590

THUR MAY 14, 2008

ENCLOSURE TO FORMA PAUPERIS - REASONS

THE NUMBERS BELOW CORRESPOND TO PRINTED IFP ON APPEAL

1. PRELIMINARY STATEMENT: THE FIGS AND DATES BELOW EEOE

A. COMMENCING DATE - 5-8 YEARS MISSING.

B. SEVERAL REDUCTIONS IN AMOUNT OF SS PENSION - EVEN PER SSA STATEMENT - AFTER SSA PAYMENT BEGAN OCT 01, HAVE BEEN PAYING CA \$7M PA - NET FROM SSA - VERY SLIGHT - WILL BE UNDER \$999 IN 2008 - STARTED AROUND \$500 SOME.

C. TOTAL CUT OFF FOR 12 MONTHS AFTER SSA BEGAN.

D. REDUCTIONS DUE TO A 'SPECIAL FORMULA' - TOLD VERBALLY BY ONE MRS NEWTON - AN AFRO AMERICAN LADY AT POUGHKEEPSIE SSA OFF - NO DETAILS, SPITE SEVERAL REQUESTS.

E. REDUCTIONS DUE TO TRIVIAL RECEIPT FROM CANADA - SOME \$4M - CPP AND OAS - OLD AGE SECURITY - LIVED AND WORKED IN CANADA FOR 24 YEARS - EVEN HERE MISSING 10 YEARS - CPP AND 5 YEARS OAS. CANADA - DIFFERENT TIME SPAN OR EPOCH.

F. DEFENCE NEVER RESPONDED TO PLAINT - SERIATIM

G. CT BELOW NEVER ASKED THE DEF TO DO THE ABOVE

H. PATTERN AND PRACTICE OF DELIBERATE LIES AND DECEPTION BY SSA - WILL GIVE PROOF DIAMOND HARD.

I. DIRECTLY - INDIRECTLY - UNCLE SAM HAS BEEN MAKER OF MY MISFORTUNES - IF SEE MY ODYSSEY - MCCARRAN WALTER ACT OF US CONGRESS.

2. CURRENTLY WORKING FULL TIME - FORCED TO WORK -

DESPITE MEDICAL ADVICE TO STOP WORK ALTOGETHER - NUMEROUS
HEART ATTACKS AND 2 HEART OPERATIONS - 1 TRIPLE BY PASS -
OPEN HEART
FORMIDABLE PROSTRATE PROBLEM - WAKE-UP 10-12 TIMES AT NIGHT

3. a) NO PUBLIC BENEFIT
b) WORKING FULL TIME NOH UNDER \$2,000 PER MONTH -
MUST SUPPORT WIFE AND CHILDREN AFTER OWN BARE MINIMUM
LIVING EXPENSES

4. AROUND \$3-\$4M IN BANK ACCOUNT

5. OWN A CAR - 15 YEAR OLD - REQUIRED TO KEEP FOR WORK
DO NOT OWN ANY REAL ESTATE OR STOCKS

6. RENT - \$665 PER MONTH + TRANSPORT \$400 PER MONTH

7. EVERYTHING LEFT OVER AFTER OWN BARE MINIMUM LIVING
EXPENSES - GOES TO WIFE - 68 AND 2 SONS

8. FOLLOWING HEART OPERATIONS DOCTORS ASKED ME TO STOP
WORKING ALTOGETHER - VERY POOR PHYSICALLY - 6 HR LONG
COMMUTE EVERY DAY - WORK DOWNTOWN NYC.

OTHER FACTS:

2. AGE AND HEALTH: NOW AGE 76, FOR PAST SEVERAL YEARS HAVE
BEEN VERY SICK PHYSICALLY AND MENTALLY - NUMEROUS HEART
ATTACKS - 2 HEART OPERATIONS AND PROSTRATE PROBLEMS - HAVE
TO GET UP 10-12 TIMES DURING THE NIGHT - PROSTRATE
PROBLEMS.

3. DAILY COMMUTE OF 6 HRS: AND REGULAR WORK RESULT IN A
15 HOUR LONG DAY. THUS ONLY HAVE A MAX OF 1 TO 1-1/2 DAY
PER WEEK TO PREPARE.

4. ABSENCE FROM US TO MEET FAMILY: MAY 12 TO JUNE 2, 2008.
REQUEST UCC'S INDULGENCE TO FILE APPEAL AND SUPPORTING
DOCUMENTS FOR APPEAL UNTIL JUNE 19, 08. THIS TIME-FRAME
WILL GIVE ME 2-3 DAYS TO PREPARE.

***SPECIFIC DATES AND AMOUNTS ABOVE
SUBJECT TO EEOE.***

ENCL: 1 PAGE - (\$902 PM - RECD 4/25/02 - AGE 69).

To qualify for benefits, you earn "credits" through your work — up to four each year. This year, for example, you earn one credit for each \$870 of wages or self-employment income. When you've earned \$3,480, you've earned your four credits for the year. Most people need 40 credits, earned over their working lifetime, to receive retirement benefits. For disability and survivors benefits, young people need fewer credits to be eligible.

We checked your records to see whether you have earned enough credits to qualify for benefits. If you haven't earned enough yet to qualify for any type of benefits, we can't give you an estimate now. If you continue to work, we'll give you an estimate when you do qualify.

What we assumed — If you have enough work credits, we estimated your benefit amount using your average earnings over your working lifetime. For the first retirement amount shown, and for your credits through 2002, we assumed you would stop work at the retirement age you gave us. For later retirement ages, we assumed you would continue working up to those ages. In all the estimates, we used the earnings amounts you gave us for last year, this year and future years.

We can't provide your actual benefit amount until you apply for benefits. **And that amount may differ from estimates stated below because —**

- (1) Your earnings may increase or decrease over time.
- (2) Your benefit figures shown here are only estimates based on current law. The laws governing benefits may change because, by 2038, the payroll taxes collected will be enough to pay only about 72 percent of benefits owed.
- (3) Factors such as **a pension for work not covered by Social Security, some military service or credit for railroad employment** may affect your benefit amount.

Generally, estimates for older workers are more accurate than those for younger workers because they're based on longer earnings history with fewer uncertainties such as earnings fluctuations and future law changes.

These estimates are in today's dollars. As you receive benefits, they will be adjusted for cost-of-living increases.

▼ **Retirement** You have earned enough credits to qualify for benefits. At your current earnings rate, if you stop working...

Dec 01 At age 69, your payment will be about \$ 903 a month
 Dec 02 At age 70, your payment will be about \$ 903 a month
 Oct 01 - \$859 - on phone 4/29/02

Note: When you continue working beyond your retirement age, your benefit may increase because of your additional earnings. If you delay receiving benefits until age 70, your benefit will increase because of the special credits you'll receive for delaying retirement. This increased benefit could be important to you later in life. It also could increase the future benefit amounts your family and survivors could receive.

▼ **Disability** Your age qualifies you to receive full retirement benefits instead of disability benefits.

▼ **Family** If you get retirement or disability benefits, your spouse and children also may qualify for benefits.

▼ **Survivors** You have earned enough credits for your family to receive the following benefits if you die this year.

| | | |
|---|----------|---------|
| Total family benefits cannot be more than | \$ 1,358 | a month |
| Your child | \$ 596 | a month |
| Your spouse who is caring for your child | \$ 596 | a month |
| Your spouse who reaches full retirement age | \$ 794 | a month |

Your spouse or minor child may be eligible for a special one-time death benefit of \$255.

▼ **Medicare** You have earned enough credits to qualify for Medicare at age 65. Even if you do not retire at age 65, be sure to contact Social Security three months before your 65th birthday to enroll in Medicare.

We based your benefit estimates on these facts:

Your name Vinay K. Gupta
 Your date of birth December 21, 1932
 Your Social Security number (only the last four digits are shown to help prevent identity theft) XXX-XX-0639
 2001 earnings \$49,215
 2002 earnings \$50,500
 Your estimated taxable earnings per year after 2002 \$50,500
 Age you plan to stop working 70

UKG @ DPS State NY US

Windfall Elimination

Provision

Int. Off. is in Jamaica N.Y.